

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID C. JUAREZ,

Plaintiff,

v.

Case No. 21-CV-1092

SGT. JEREMY MAY, *et al.*,

Defendants.

ORDER

On January 24, 2024, David C. Juarez, who is incarcerated and representing himself, filed a “motion to reclassify,” asking the court to allow him to proceed on a claim under the Americans with Disabilities Act (ADA). (ECF No. 65.) The court will construe this as a motion for reconsideration of Judge J.P. Stadtmueller’s January 4, 2023, screening order of Juarez’s amended complaint.

Judge Stadtmueller determined that Juarez did not state a claim under the ADA because he made no allegations against any specific defendant. (ECF No. 29 at 4.) Juarez also failed to specify how any defendant discriminated against him in violation of the ADA. (*Id.*) Juarez now states that on “the sixth page of his original complaint” he alleged that Kevin Colon and Alicia Garret put into place a discriminatory order. (ECF No. 65 at 1.)

However, on January 26, 2022, Juarez submitted an amended complaint, which does not include these details. (ECF No. 17.) An amended complaint replaces the original complaint and must be complete in itself without reference to the original complaint. *See Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1056–57 (7th Cir. 1998). Thus, Juarez’s original complaint is no longer operative. Even if the amended complaint did contain these details, the allegations are still insufficient to state a claim under the ADA. A plaintiff must allege that “(1) he is a qualified person (2) with a disability and (3) the Department of Corrections denied him access to a program or activity because of his disability.” *Jaros v. Ill. Dep’t of Corr.*, 684 F.3d 667, 671-672 (7th Cir. 2012) (citations omitted). Juarez did not allege these things in either his original complaint or in his amended complaint.

Juarez’s motion for reconsideration of the screening order (ECF No. 65) is **DENIED**.

Dated in Milwaukee, Wisconsin this 21st day of March, 2024.

BY THE COURT

A handwritten signature in black ink, appearing to read "William E. Duffin", is centered on a line. The signature is fluid and cursive, with a horizontal line drawn through it.

WILLIAM E. DUFFIN
United States Magistrate Judge